

Milo Petranovich, OSB No. 813376
petranovichm@lanepowell.com
Tanya D. Urbach, OSB No. 962668
urbacht@lanepowell.com
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204-3158
Telephone: 503.778.2100
Facsimile: 503.778.2200

Attorneys for Defendant Henrik Nørremark

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

In re IN RE VESTAS WIND SYSTEMS A/S
SECURITIES LITIGATION

Case No. 3:11-cv-00585-AC

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

Defendant Henrik Nørremark's
REQUEST FOR JUDICIAL NOTICE

(ORAL ARGUMENT REQUESTED)

LR 7-1 CERTIFICATE OF COMPLIANCE

On April 17, 2013, counsel for Henrik Nørremark ("Nørremark") conferred with plaintiffs' counsel via telephone in an effort to resolve the issues presented in Nørremark's Request for Judicial Notice and were, to some extent, unable to do so. Plaintiffs' counsel has indicated that he will not oppose this Court taking judicial notice of any document or fact directly referenced in Plaintiffs' First Amended Complaint or relied on by Plaintiffs in the First

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Amended Complaint. Plaintiffs' counsel reserves his right to dispute the appropriateness of this Court taking judicial notice of any document or fact not so referenced or relied upon.

MOTION

Defendant Nørremark respectfully requests that this Court to take judicial notice pursuant to Federal Rule of Evidence ("FRE") 201 of the documents attached to the Declaration of Tanya D. Urbach ("Urbach Decl."), filed concurrently herewith, as well as certain other facts as stated herein, for the reasons stated below.

FRE 201 gives the Court the power to take notice of any adjudicative fact "that is not subject to reasonable dispute." This standard can be met if the fact in question is either "generally known within the trial court's territorial jurisdiction," or the fact "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." FRE 201(b). Judicial notice may be taken at any stage of the proceedings, FRE 201(d), and may be done by the Court on its own motion. FRE 201(c)(1). Furthermore, when a party requests judicial notice of a noticeable fact and supplies the court with the necessary information, the Court is required to take notice of that fact. FRE 201(c)(2).

Pursuant to these rules, the Court may take judicial notice of matters of public record. *United States v. Corinthian Colleges*, 655 F.3d 984, 999 (9th Cir. 2011). Such matters, even though outside the pleadings, may be considered on a motion to dismiss because judicial notice may be taken at any stage. *See Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322, (2007) (Courts ruling on Rule 12(b)(6) motions may take into consideration "matters of which a court may take judicial notice"); *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (holding that district court could, on a motion to dismiss, take "judicial notice of matters of public record outside the pleadings[.]").

In addition, "documents whose contents are alleged in a complaint and whose authenticity no party questions * * * may be considered" in the context of a motion to dismiss. *In re Stac Elecs. Sec. Litig.*, 89 F.3d 1399, 1405 n.4 (9th Cir. 1996) (quoting *Fecht v. The Price*

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Co., 70 F.3d 1078, 1080 n.1 (9th Cir. 1995)). “Even if a document is not attached to a complaint, it may be incorporated by reference into a complaint if the plaintiff refers extensively to the document or the document forms the basis of the plaintiff’s claim.” *U.S. v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003). When a plaintiff fails to introduce a pertinent document as part of her pleading, the defendant may do so as part of its motion to dismiss, and such documents will not be considered outside the pleadings. *Branch v. Tunnell*, 14 F.3d 449, 453-54 (9th Cir. 1994), *overruled on other grounds*, *Galbraith v. County of Santa Clara*, 307 F.3d 1119 (9th Cir. 2002).

The existence and contents of the following documents are matters of public record, which can be accurately and readily determined from sources whose accuracy cannot reasonably be determined. Therefore, each of the following documents is a proper subject of judicial notice, and Nørremark respectfully requests that the Court take judicial notice of the same:

1. The 2009 Annual Report of Vestas Wind Systems A/S (“Vestas”). (Urbach Decl. Ex. 1.)
2. The 2010 Annual Report of Vestas Wind Systems A/S. (Urbach Decl. Ex. 2.)
3. Vestas’ Announcement of Vestas Executives’ trading with securities, November 9, 2009 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 3.)
4. Vestas’ Announcement of Vestas Executives’ trading with securities, February 11, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 4.)
5. Vestas’ Announcement of Vestas Executives’ trading with securities, February 12, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 5.)
6. Vestas’ Announcement of Vestas Executives’ trading with securities, February 15, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 6.)
7. Vestas’ Announcement of Vestas Executives’ trading with securities, March 8, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 7.)

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8. Vestas' Announcement of Vestas Executives' trading with securities, May 7, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 8.)
9. Vestas' Announcement of Vestas Executives' trading with securities, May 11, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 9.)
10. Vestas' Announcement of Vestas Executives' trading with securities, August 18, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 10.)
11. Vestas' Announcement of Vestas Executives' trading with securities, August 19, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 11.)
12. Vestas' Announcement of Vestas Executives' trading with securities, August 20, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 12.)
13. Vestas' Announcement of Vestas Executives' trading with securities, August 20, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 13.)
14. Vestas' Announcement of Vestas Executives' trading with securities, August 23, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 14.)
15. Vestas' Announcement of Vestas Executives' trading with securities, August 24, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 15.)
16. Vestas' Announcement of Vestas Executives' trading with securities, August 25, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 16.)
17. Vestas' Announcement of Vestas Executives' trading with securities, August 30, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 17.)
18. Vestas' Announcement of Vestas Executives' trading with securities, September 1, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 18.)
19. Vestas' Announcement of Vestas Executives' trading with securities, September 10, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 19.)
20. Vestas' Announcement of Vestas Executives' trading with securities, October 26, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 20.)

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21. Vestas' Announcement of Vestas Executives' trading with securities, October 27, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 21.)
22. Vestas' Announcement of Vestas Executives' trading with securities, October 29, 2010 (filed with the Danish Financial Supervisory Authority). (Urbach Decl. Ex. 22.)
23. Vestas' Interim financial report of the second quarter of 2009, August 18, 2009. (Urbach Decl. Ex. 23.)
24. The Company Announcement from Vestas Wind Systems A/S dated November 22, 2010. (Urbach Decl. Ex 24.)

Nørremark also respectfully requests that the Court take judicial notice of the daily high trading price for Vestas shares on Nasdaq OMX Copenhagen on the dates specified below.

These prices are readily verifiable by reference to the website www.nasdaqomxnordic.com and are as follows:

Date	Daily High Price
February 16, 2009	291.50 DKK
May 5, 2009	429.50 DKK
September 10, 2009	404.50 DKK
November 9, 2009	390.75 DKK
February 23, 2010	297.70 DKK
May 4, 2010	346.20 DKK
August 19, 2010	250.40 DKK
October 27, 2010	183.70 DKK

DATED: April 22, 2013

LANE POWELL PC

By s/ Tanya D. Urbach
 Milo Petranovich, OSB No. 813376
 Tanya D. Urbach, OSB No. 962668
 Telephone: 503.778.2100
 Attorneys for Defendant Henrik Nørremark

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